

TWENTY-EIGHTH DAY

(Monday, March 8, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent—Excused

Crump	Moore
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A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 4, 1965, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Crump was granted leave of absence for today on account of important business on motion of Senator Ratliff.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 8, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 38, a Joint Resolution Proposing an amendment to Section

2, Article VI, Constitution of the State of Texas, to omit the requirement that members of the armed services vote only in the county in which they resided at the time of entering the service.

H. B. No. 153, A bill to be entitled An Act raising the prima facie maximum speed limit for certain trucks, amending Subdivision 4, Subsection (a), Section 166, Chapter 421, Acts of the 50th Legislature, 1947, as amended; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Parkhouse:

S. B. No. 360, A bill to be entitled "An Act amending Chapter 518, Acts of the Fifty-Fourth Legislature, regular session, 1955, by adding two sections designated Section 8B and 8C providing for the investment of funds of the Trinity River authority and authorizing said authority to trade its bonds for land required for the purposes of said authority; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Parkhouse:

S. B. No. 361, A bill to be entitled "An Act to amend Section 2.B of Article 3.53 of the Insurance Code of Texas to define the term "Creditor Agent"; to amend Section 9 of Article 3.53 of the Insurance Code of Texas; to provide that policies of insurance allowed by Art. 3.53 shall be delivered only by insurers authorized to do business in this state and shall be issued only through licensed insurance agents and creditor agents; to provide that neither the commissions received by insurance agents and creditor agents for the writing of insurance allowed by Article 3.53 of the Insurance Code of Texas nor the premiums or cost of such insurance shall be deemed interest, or charges, or consideration, or an amount in excess of permitted charges in connection with the loan or other credit

transaction; to provide that neither any benefit, gain, or advantage to the creditor, nor the granting thereof, arising out of the sale of such insurance shall be a violation of any law; to provide for severability; and to declare an emergency."

To the Committee on Insurance.

By Senator Hazlewood:

S. B. No. 362, A bill to be entitled "An Act relating to making and drawing of worthless checks with the intent to defraud; repealing Subsection 3 and amending Subsections 2 and 4(a) of Section 1 of House Bill No. 457, Chapter 268, page 729, Acts of the 58th Legislature, Regular Session, 1963, as amended (being Article 567b, Vernon's Texas Penal Code); repealing all laws in conflict therewith; providing a savings clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Blanchard:

S. B. No. 363, A bill to be entitled "An Act amending Section 1 of Chapter 442, Acts of the 44th Legislature, Second Called Session, as last amended, which is codified as Article 3886f, Vernon's Texas Civil Statutes, to increase the salary of district attorneys in all judicial districts to Nine Thousand Dollars (\$9,000); placing all county attorneys performing the duties of district attorney on a salary basis of compensation and fixing the minimum amount of such salary; providing for deposit of fees in the county treasury; providing for payments by the state into the Officer's Salary Fund of each county having a county attorney performing the duties of a district attorney; stating the effect of this Act on other laws and repealing all laws and parts of laws in conflict; setting an effective date; and declaring an emergency."

To the Committee on Finance.

By Senator Watson:

S. B. No. 364, A bill to be entitled "An Act relating to registration of powers of attorney authorizing the conveyance of real property; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 365, A bill to be entitled "An Act to amend Article 4605 Revised Civil Statutes of Texas 1925, relating to the issuance of marriage

licenses; providing for consent of either parent for the marriage of a minor to be given by said parent appearing before the County Clerk of any county in the United States of America and giving consent under oath; eliminating the requirement that application must be on file at least three days in the County Clerk's Office before issuing a marriage license to a minor, providing for a standard form of application for marriage licenses; providing for a consolidated statewide index of all marriage licenses; containing a repealing clause; containing a saving clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 366, A bill to be entitled "An Act to amend Article 405 of the Penal Code of the State of Texas by providing that either parent may give consent for the marriage of a minor; providing for the repeal of all laws in conflict; containing a saving clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Schwartz:

S. B. No. 367, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools or such agency as may hereafter have control and management of said property to execute and deliver to the City of Galveston an easement to a tract of land in Galveston County for the purpose of installing, constructing and building a package type sewage treatment plant on and over land owned by the State of Texas for the use and benefit of the Moody State School for Cerebral Palsied Children; and declaring an emergency."

To the Committee on State Affairs.

Bills Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills:

S. B. No. 71, A bill to be entitled "An Act conveying certain lands in Palo Pinto County to the Mineral Wells Independent School District; requiring that the Mineral Wells Independent School District shall pay to the State of Texas cash consideration for this conveyance; prescribing the consideration; making other provi-

sions relative thereto; providing a severability clause; and declaring an emergency."

S. B. No. 153, A bill to be entitled "An Act authorizing the Board of Regents of the Texas Woman's University to sell and convey certain land, located in Denton County, Texas, said land being a part of the Bertha Lakey Estate bequeathed to the Texas Woman's University to establish the Ray and Bertha Lakey Scholarship Fund to provide scholarships for worthy girls seeking a college education; prescribing the procedure, terms and conditions of sale; disposition of the proceeds; and declaring an emergency."

S. B. No. 101, A bill to be entitled "An Act relating to certificates of indebtedness for the maintenance of public roads by San Patricio County; and declaring an emergency."

S. B. No. 106, A bill to be entitled "An Act quitclaiming all right, title and interest to a certain tract of land in Palo Pinto County, Texas, acquired from the Mineral Wells Chamber of Commerce by deed executed February 5, 1927, and filed March 1, 1927, to the Mineral Wells Chamber of Commerce; and declaring an emergency."

S. B. No. 253, A bill to be entitled "An Act relating to the establishment of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Cisco Hospital District, with boundaries coextensive with Commissioners Precinct Number Four of Eastland County, Texas; defining its purposes; providing for its administration, operation, financing, taxing powers and liabilities; prescribing procedures; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency."

S. B. No. 39, A bill to be entitled "An Act raising the age limit for the education program for totally deaf and blind or totally blind and non-speaking children; amending Section 2, Chapter 389, Acts of the 56th Legislature, Regular Session, 1959; and declaring an emergency."

Senate Resolution 236

Senator Hardeman offered the following resolution:

Whereas, Today marks the anniversary of the birth of a man who has demonstrated his devotion and dedication to the State of Texas; and

Whereas, Honorable Vernon A. McGee, a native of Wichita County, first saw the light of day on March 8, 1908; and

Whereas, After completing his education in Texas at Baylor University, he later attended Cornell University in New York, where he majored in Business Administration. Following graduation, he became associated with the United Press and thereafter organized and set up the Texas Employment Commission. He subsequently was employed in the United States Bureau of the Budget, following which he served in the United States Navy during World War II. Upon his honorable discharge therefrom, he was Director of Personnel Operations for Montgomery Ward Company for a period of time and then joined the Kiplinger Publications. He was employed as Executive Director of the Legislative Budget Board in 1950 and has been with this Agency since that time. His recognized ability in budgetary work, as well as his vast knowledge of State government has enabled the various appropriations and finance committees, as well as individual members of the Legislature to more easily make decisions, agencies and institutions offered and operated by the State; and

Whereas, It is the desire of the Senate to express its good wishes and happy returns of the day to Mr. McGee; now, therefore, be it

Resolved, By the Senate of Texas that it does hereby express its best wishes and congratulations on this anniversary, and that a copy of this Resolution be forwarded, under the Seal of the Senate, to Mr. McGee.

HARDEMAN
AIKIN
WORD
DIES
MOORE

The resolution was read and was adopted.

Senate Concurrent Resolution 49

Senator Snelson offered the following resolution:

S. C. R. No. 49—Granting Joe B. Wright permission to sue the State.

Whereas, Joe B. Wright, a resident of the City of Midland, Midland County, Texas, and sole proprietor of the Midwest Lumber Company, located near the intersection of Interstate Highway No. 20 and a paved county road known as Cotton Flat Road, on property more specifically described as:

"A tract of land in rectangular form out of the Northwest Corner of Section 10, Block 39, T-2-S., T & P Ry Co. Survey, having an Easterly and Westerly dimension of 450 feet and a Northerly and Southerly dimension of 208.711 feet; as described in Warranty Deed from H. B. Dunagan, Jr., et al., to Joe B. Wright, dated September 15, 1954, recorded in Volume 218, page 403, of the Deed Records of Midland County, Texas"; and

Whereas, Joe B. Wright alleges:

(1) that the State of Texas, acting through the Texas State Highway Department, on or about October 1, 1964 constructed an over-pass over Interstate Highway No. 20 at its intersection with Cotton Flat Road thereby causing a loss of access to and from Midwest Lumber Company and other damage to the property described above; and

(2) that he was at no time consulted as to the plans or manner of the construction, nor did he consent to the construction converting Cotton Flat Road from a two-lane paved highway to an elevated over-pass of a controlled access highway; and

(3) that the damages of loss of profits as well as other damages and expenditures accruing to the business and property of Joe B. Wright are a direct and proximate result of the construction program being carried out by the State of Texas, acting through its duly authorized officers, employees and agents, including but not limited to the Texas State Highway Department, on Interstate Highway No. 20 at or within 500 feet of its intersection with Cotton Flat Road; and

(4) that the acts of the State of Texas, its departments and agents constitute a damage and taking by the State of Texas of private property for public use without just compensation, and therefore a violation of the Constitution of the State of Texas, as amended, and a violation of the Constitution of the United States of America, as amended; and

(5) that he has received no compensation from the State of Texas

and there is no provision of law whereby he can secure judgment and enforce payment of the damages incurred except by suit against the State, its departments and agents in a court of competent jurisdiction; and

Whereas, Joe B. Wright desires to institute suit against the State of Texas and the Texas State Highway Department in order to determine what damages, if any, or other relief he is entitled to recover; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring,

(1) that Joe B. Wright be granted and is hereby granted permission to bring suit against the State of Texas and the Texas State Highway Department in any court of competent jurisdiction;

(2) that in the event such a suit is filed, service of citation or any other necessary process shall be had upon the Attorney General of the State of Texas, the Chairman of the State Highway Commission and the State Highway Engineer;

(3) that the case shall be tried as other civil cases reserving to either party the right of appeal; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other civil cases; and, be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact or law, that may be asserted by, or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but that all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Co-Author of Senate Bill 320

On motion of Senator Snelson and by unanimous consent Senator Hazlewood will be shown as Co-author of S. B. No. 320.

Senate Joint Resolution 18 Laid on Table Subject to Call

On motion of Senator Cole and by unanimous consent S. J. R. No. 18 was Laid on the Table Subject to Call.

Senate Bill 44 Laid on Table

Senator Ratliff by unanimous consent called S. B. No. 44 from the President's Table (the bill having been Laid on the Table Subject to Call on Tuesday, February 9, 1965).

Question—Shall S. B. No. 44 be placed on Second Reading?

On motion of Senator Ratliff and by unanimous consent S. B. No. 44 was then Laid on the Table.

Senate Bill 31 With House Amendments

Senator Hardeman called S. B. No. 31 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend Senate Bill No. 31 as follows:

(1) Insert the words "wholesale or" between the words "at" and "retail" in Section 1 of the bill.

Amendment No. 2

Amend Amendment No. 2 to S. B. No. 31 by striking it entirely and substituting in lieu thereof the following:

"(2) Insert a new Subsection (d) after Subsection (c) of Section 2, to read as follows:

(d) 'Ground meat' includes any meat subsequently ground or commingled and any portion of which is imported from a foreign nation."

Committee Amendment No. 3

(3) Insert a new Subsection (c) after Subsection (b) of Section 4, to read as follows:

(c) The State Department of Public Health shall enforce the provisions of this Act and shall file a sworn complaint against any person who violates the provisions of this Act.

Committee Amendment No. 4

Amend Senate Bill 31 by inserting the words "wholesale or" between the word "at" and the word "retail" in Subsection (b) of Section 3 of the bill.

Committee Amendment No. 5

Amend S. B. 31 by striking the word "beef" on line 59, page 1, of the printed bill and substituting in lieu thereof the word "meat."

Amendment No. 6

Amend S. B. 31 by striking Section 3(a) and renumber subsection (b) as subsection (a).

Amendment No. 7

Amend the caption to Senate Bill 31 by adding the words "wholesale or" between the words "at" and "retail."

The House amendment was read.

Senator Hardeman moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—24

Aikin	Hightower
Blanchard	Krueger
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Strong
Herring	Word

Nays—3

Bates	Spears
Kennard	

Absent

Kazen	Watson
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Absent—Excused

Crump	Moore
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Announcement by President

The President made the following announcement:

Through the Press, my attention has been called to a condition that needs correcting.

Members of the Press Corps have complained that the noise and confusion on the Senate floor is so great that they are not always able to hear what the Members of the Senate are saying.

This is an unusual complaint. Being able to hear what is being said in the Senate has not always been regarded as an unmixed blessing.

However, the Press has always been willing to make personal sacrifices in line of duty.

Henceforth the Honorable Senators will please take care to observe such rules of order and decorum that our legislative business will be expedited—and properly reported in the Press. Thank you.

Senate Resolution 237

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Secretaries to Divisional Sales Directors of National Western Life Insurance Company who are in Austin attending Secretaries' Day in their Home Office; and

Whereas, These outstanding business women, accompanied by Mr. Harmon Walters, Vice President and Director of Agencies for National Western Life Insurance Company, are on a sight-seeing tour of the Capitol; and

Whereas, We desire to welcome Misses Judy Robertson of Greeley, Colorado; Sandy Kinsey of Casper, Wyoming; Leone Senior of Lamar, Colorado; Marjorie Ivanhoe of Corpus Christi; Nicky Spivey of Austin; Myrna Ham of Houston; Mesdame Mildred G. Noto of New Orleans, Louisiana; Eveline Griser of Cedar Rapids, Iowa; Loretta Deal of Longview; Nona Welch of El Paso; Norma Collup of Fort Worth; and Cleo Henderson of San Antonio; now, therefore, be it

Resolved, That we extend a cordial welcome to these visitors; and that a copy of this Resolution bearing the official seal of the Senate be sent to them in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the guests to the Members of the Senate.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 206, A bill to be entitled "An Act amending Section 2 of Chapter 502, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended, so as to make more certain the legislative intent to fully authorize municipalities to contract with public junior colleges in relation to the lease of buildings and declaring an emergency."

H. B. No. 11, A bill to be entitled "An Act relating to the gross weight limits of farm trailers and semitrailers used to transport cotton which may qualify for exemption from regular registration fees; amending Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, Second Called Session, 1929, as amended; and declaring an emergency."

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 8, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 50, Congratulating The Honorable Preston Smith, Lieutenant Governor of Texas, on the Occasion of his birthday.

The House has concurred in Senate amendments to House Bill No. 218 by vote of 144 ayes, 1 no.

S. C. R. No. 17, Authorizing the Board of Trustees of the Employees Retirement System to purchase a site and erect a building for such system, etc.

S. C. R. No. 42, Congratulating the Veterans Administration.

(With amendment.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Senate Bill 107 on Second Reading

The President laid before the Senate on its second reading S. B. No. 107 (the bill having been read the

second time on Monday, March 1, 1965, and laid before the Senate again on Tuesday, March 2, 1965, with a Point of Order relative to further consideration of the bill pending).

The President over-ruled the Point of Order with the following statement:

Senator Word raised a point of order against further consideration of S. B. No. 107 on grounds that such consideration contravenes Joint Rule 9-a.

Joint Rule 9-a states that during the first 120 days of the Regular Session no bill containing an appropriation, "direct or implied," or which "transfers, diverts or appropriates money in the State Treasury from one fund to another" can be considered until after the Biennial Appropriation Bill has been finally passed by both Houses and certified by the Comptroller under terms of Art. 3, Sec. 49a of the State Constitution.

The Point of Order here considered cites a provision in S. B. No. 107 that the Governor may offer rewards for the capture of certain criminals. It is contended that this is an "implied appropriation" in the sense of Joint Rule 9-a.

Sec. 49a of Art. 3, Constitution of the State of Texas, reads in part as follows:

—No bill containing an appropriation shall be considered as passed or be sent to the Governor for consideration until and unless the Comptroller of Public Accounts endorses his certificate thereon showing that the money appropriated is within the amount estimated to be available in the affected funds.

The undisputed purpose of Joint Rule 9-a is to maintain available funds intact until the Biennial Appropriation Bill has been finally disposed of (or 120 days have passed).

Sec. 6 of Art. 8 of the State Constitution says in part:

No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law . . .

S. B. 107 contains no specific appropriation in the sense of Art. 8, Sec. 6. No Treasury funds would be transferred, diverted or appropriated as a result of its passage. The portion of S. B. 107 cited in the point of order is a permissive provision upon which a future appropriation might be based, but it is not in itself an ap-

propriation, direct or implied. Should S. B. 107 be finally passed in both Houses, there would be no conceivable reason for sending it to the Comptroller for certification under Art. 3, Sec. 49a. Thus Joint Rule 9-a does not relate to S. B. 107.

The Point of Order is respectfully overruled.

Senator Dies offered the following amendment to the bill:

Amend S. B. No. 107 by adding the following sentence to Art. 1.15(12): "Such stipulation must be approved in writing by the Presiding Judge who shall determine that the facts stated in the stipulation are true and correct."

The amendment was read and was adopted.

Senator Dies offered the following amendment to the bill:

Amend S. B. No. 107 by adding at the end of the fourth paragraph of Art. 35.17 the following sentence:

"Should the jury assess the death penalty in spite of the State's Attorneys announcement that the State would not seek the death penalty, the court shall immediately grant a new trial."

The amendment was read and was adopted.

Record of Votes

Senators Parkhouse and Hall asked to be recorded as voting "Nay" on the adoption of the above amendment.

(Senator Aikin in the Chair.)

Senator Dies offered the following amendment to the bill:

Amend S. B. No. 107, Article 17.10 by striking out the words "or married woman unless joined by her husband" and change the comma after the word "bond" to a period and striking out the remainder of said sentence and inserting in lieu thereof the following:

"Provided, however, that the accused party may sign as principal."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend S. B. No. 107, Article 39.02 by adding thereto the following:

"Provided that upon the filing of such application and, after notice to the Prosecuting Attorney, the Court shall hear such application and determine if good reason exists for taking the same."

The amendment was read and was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Section 15 of Article 42.12 of Section 1 of Senate Bill 107 by striking out the first paragraph and inserting in lieu thereof the following: "Section 15. The Board is hereby authorized to release on parole with the approval of the Governor any person confined in any penal or correctional institution of this state, except persons under sentence of death, who has served one-fourth of the maximum sentence imposed; provided that in any case he may be paroled after serving fifteen years. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor."

The amendment was read.

Question on adoption of the amendment, Yeas and Nays were demanded.

The amendment failed of adoption by the following vote:

Yeas—12

Aikin	Herring
Calhoun	Kennard
Creighton	Krueger
Hall	Patman
Harrington	Snelson
Hazlewood	Watson

Nays—17

Bates	Ratliff
Blanchard	Reagan
Cole	Richter
Colson	Rogers
Dies	Schwartz
Hardeman	Spears
Hightower	Strong
Kazen	Word
Parkhouse	

Absent—Excused

Crump	Moore
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Senator Patman offered the following amendment to the bill:

Amend Article 1.01 of Senate Bill 107 by striking the wording thereof and substituting the following:

"Short Title. This Act shall be known, and may be cited, as the Hardeman-Bates Code of Criminal Procedure."

The amendment was read.

Senator Hardeman raised the Point of Order that the amendment was an improper amendment to the bill.

The President sustained the Point of Order.

(President Pro Tempore in the Chair).

The bill as amended was then passed to engrossment.

Record of Votes

Senators Patman, Parkhouse, Hazlewood, Hall, Harrington, Reagan, Krueger and Rogers asked to be recorded as voting "Nay" on the passage of S. B. No. 107 to engrossment.

(President in the Chair.)

Senate Resolution 238

Senator Kennard offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Congressman Jim Wright and Mrs. Wright; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate; that they be given the privileges of the Senate floor for the day; and that he be given an invitation to speak to the Senate during the morning session this day.

The resolution was read and was adopted.

The President requested Senator Kennard to escort the distinguished guests to the President's Rostrum.

The President presented Senator Kennard and he introduced Mrs. Jim Wright, the wife of Congressman

Wright to the Members of the Senate.

Senator Kennard then introduced Congressman Jim Wright to the Senate.

Congressman Wright addressed the Senate stating that it was indeed a great privilege and pleasure to be a guest of the Senate.

(Senator Aikin in the Chair.)

House Concurrent Resolution 50 on Second Reading

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 50, Extending heartiest and sincere congratulations to The Honorable Preston Smith on the occasion of his birthday and wishing for him continued happiness and success.

The resolution was read and was adopted.

Welcome Resolutions

S. R. No. 231—By Senator Herring: Extending welcome to students and teacher of Seventh Grade Class of Allan Junior High School of Austin.

S. R. No. 233—By Senator Word: Extending welcome to students and superintendent, the Senior Class of Whitney High School of Whitney.

S. R. No. 234—By Senator Harrington: Extending welcome to Mrs. Alpha Perkins of Orange.

S. R. No. 235—By Senator Harrington: Extending welcome to Miss Mary Jane Wheeler of Orange.

S. R. No. 239—By Senator Watson: Extending welcome to Bobby Donaldson, et al.

(President Pro Tempore in the Chair.)

Adjournment

On motion of Senator Hardeman the Senate at 12:42 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Report of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
March 8, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 71, "An Act conveying certain lands in Palo Pinto County to the Mineral Wells Independent School District; requiring that the Mineral Wells Independent School District shall pay to the State of Texas cash consideration for this conveyance prescribing the consideration; making other provisions relating thereto; providing a severability clause; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 8, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 153, "An Act authorizing the Board of Regents of the Texas Woman's University to sell and convey certain land, located in Denton County, Texas, said land being a part of the Bertha Lakey Estate bequeathed to the Texas Woman's University to establish the Ray and Bertha Lakey Scholarship Fund to provide scholarships for worthy girls seeking a college education; prescribing the procedure, terms and conditions of sale; disposition of the proceeds; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 8, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 101, "An Act relating to certificates of indebtedness for the maintenance of public roads by San Patricio County; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 8, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 106, "An Act quitclaiming all right, title and interest to a certain tract of land in Palo Pinto County, Texas, acquired from the Mineral Wells Chamber of Commerce by deed executed February 5, 1927, and filed March 1, 1927, to the Mineral Wells Chamber of Commerce; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 8, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 39, "An Act raising the age limit for the education program for the totally deaf and blind or totally blind and non-speaking children; amending Section 2, Chapter 389, Acts of the 56th Legislature, Regu-

lar Session, 1959; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 8, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 253, "An Act relating to the Establishment of a Hospital District in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Cisco Hospital District, with boundaries coextensive with Commissioners' Precinct Number 4 of Eastland County, Texas; defining its purposes; providing for its administration, operation, financing, taxing powers and liabilities; prescribing procedures; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

Monday, March 8, 1965

S. B. No. 39

S. B. No. 71

S. B. No. 101

S. B. No. 106

S. B. No. 153

S. B. No. 253

In Memory of
Robert Gates Peter

Senator Cole offered the following resolution:

(Senate Resolution 232)

Whereas, One of our outstanding and prominent attorneys and Professional Engineers, Robert Gates Peter, died on March 19, 1964 at the age of 43, and

Whereas, Mr. Peter was patent attorney for the Halliburton-Welex Division in Houston, and

Whereas, He attended the University of Texas, where he received his B.S.M.E. degree in 1949; he continued his education at South Texas Law School, received his L.L.B. in 1953; and further supplemented his knowledge by attending George Washington University in 1957; and Mr. Peter was admitted to the Bar in 1953, and

Whereas, He was a registered professional engineer in Texas in 1951; a member of the Patent Law Association; Patent Section of the State Bar; American Bar Association; and Phi Alpha Delta fraternity, and

Whereas, Mr. Peter was an attorney for the U.S. Atomic Energy Commission in Albuquerque, New Mexico, in 1959 and 1960, prior to his position as Patent Attorney for the Houston company until his death, and

Whereas, Robert Gates Peter was a brother-in-law of our esteemed colleague, William T. Moore, having married Juanita Gilliam, sister of Mrs. Moore, now, therefore, be it

Resolved, That the Senate of Texas does hereby express its deep and abiding sympathy to the members of his family and that copies of this Resolution under the Seal of the Senate, be sent to his survivors, namely his widow, Juanita Gilliam Peter; mother Mrs. Robert J. Peter of Houston; and a sister, Mrs. Ray McElwee of Nachitoches, Louisiana, and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to Robert Gates Peter and that when the Senate adjourns today it do so in his memory.

COLE

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Bates and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.

In Memory of
Fred L. Bunch

Senator Word offered the following resolution:

(Senate Concurrent Resolution 47)

Whereas, Ellis County and the State of Texas lost an outstanding citizen and agricultural leader with the death, on February 12, 1965, of Fred L. Bunch of Waxahachie, at the age of 65; and

Whereas, He was prominent in Farm Bureau activities over the county; and it was during his two years as president, 1961 and 1962, that the Ellis County Bureau was honored as the largest in Texas; and

Whereas, Mr. Bunch was first elected a director of the Bureau in 1955, a post in which he continued to serve until his death; and

Whereas, His interest in agriculture was expressed also by his association with the Texas Cotton Growers Association and the Ellis County Purebred Livestock Association, and he gave liberally of his time in providing adult leadership in 4-H Club and FFA work in the county; and

Whereas, His friendship was esteemed by all who knew him, and his friends and acquaintances throughout the county were many; and

Whereas, Mr. Bunch was a member of Masonic Lodge 90, a 32nd degree Mason, and belonged to the College Street Church of Christ; and his Christian attitude toward life was demonstrated by the unselfish sharing of his talents and energies in all phases of civic betterment, particularly in striving toward the goal of real agricultural progress for the county; and

Whereas, It is appropriate that the Legislature of the State of Texas pay tribute to this well-known agricultural leader who did so much for the people of his county and his State; now, therefore, be it

Resolved, By the Senate of the 59th Legislature, the House of Representatives concurring, that the Legislature does hereby extend its sympathy to the family of Fred L. Bunch for their great loss; and be it further

Resolved, That copies of this Resolution, under the Seal of the Senate of Texas, be prepared for his three sisters—Miss Willie Bunch, Miss Mary Bunch, and Mrs. John L. Washington—and his two brothers—John and C. R. (Dick) Bunch—all of Waxahachie, and that when the Senate and the House of Representatives adjourn this day, that they do so in memory of Fred L. Bunch.

The resolution was read.

On motion of Senator Word and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

In Memory of Dr. J. G. Flowers

Senator Richter offered the following resolution:

(Senate Concurrent Resolution 48)

Whereas, Dr. J. G. Flowers, nationally known educator and retired president of Southwest Texas State College at San Marcos, holds a place of highest esteem in the hearts of all who have known him and who have responded to his kindness, sincerity, and intelligence; and

Whereas, Dr. Flowers, who suffered a heart attack in 1961, was taken ill and died unexpectedly on Tuesday, February 23, 1965, while visiting his daughter in Harlingen; and

Whereas, Texans are deeply grieved by the loss of Dr. Flowers who, through the dedication of his life to education in Texas, performed an outstanding service to countless young people and earned an honored place for himself in the history of this State; and

Whereas, He pursued his own education until the young man from Karnes County, Texas, had received a Doctor of Philosophy Degree from Columbia University, and after teaching in the public school system he served as professor of education and head of the education department at Montclair New Jersey State College; and

Whereas, He served as president of Lock Haven, Pennsylvania State College prior to accepting in 1943 the presidency of Southwest Texas State College, which grew and developed significantly for the 22 years that he served in this capacity; and

Whereas, In addition to his duties at Southwest Texas State College, Dr. Flowers served during the summer of 1948 as a member of an 11-man American Education Commission that was making a study of educational needs for the American military government in West Germany and through the years published a number of books, bulletins, and articles; and

Whereas, He has served his city and state through his extensive participation as a Rotarian, as president of the Texas Crippled Children Society, and as a leader in the First Methodist Church in San Marcos, and he has been honored by those in his profession with his election to the presidency of the American Association of Colleges for Teacher Education; and

Whereas, The people of San Marcos and the students, ex-students, and faculty of Southwest Texas State College expressed their appreciation to Dr. Flowers by dedicating Homecoming 1963 to him, and the Legislature recognizes the vast and noteworthy contribution Dr. Flowers made to the people of Texas and wishes to pay tribute to his memory; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the Legislature express its profound gratitude for the life and contributions of Dr. J. G. Flowers, and extend its deepest sympathy to his surviving family, his daughter Mrs. Wayne Cole of Harlingen, his son John G. Flowers Jr. of Austin, his brother Herbert Flowers of Waco, and five grandchildren, and that copies of this Resolution be sent to them as a token of the esteem felt for Dr. Flowers; and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to Dr. J. G. Flowers and that when the Legislature adjourns this day it do so in memory of this distinguished Texan.

RICHTER

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Haslewood, Herring, Hightower, Kasen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.